

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.: 23-cv-23004-JB

JANE DOE, *a minor, by and  
through her mother and next  
friend, Mother Doe,*

Plaintiff,

v.

ACADEMIR CHARTER SCHOOLS,  
INC. and SUPERIOR CHARTER  
SCHOOL SERVICES, INC.,

Defendants.

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**ORDER SETTING TRIAL, CALENDAR CALL,  
REFERENCE TO MAGISTRAGE JUDGE,  
PRETRIAL DEADLINES, AND PRETRIAL PROCEDURES**

This Court enters the following Order setting the trial in this matter and to establish pretrial deadlines and procedures. This Order amends and supersedes the Order Setting Trial Date & Discovery Deadlines, Referring Case to United States Magistrate Judge, ECF No. [21].

**I. TRIAL SETTING, CALENDAR CALL**

**Trial Date:** Trial is scheduled to commence during the two-week period beginning **Monday, November 18, 2024, at 9:30 am.**

**Calendar Call:** Tuesday, November 12, 2024, at 10:00 am.

**II. PRETRIAL DEADLINES**

7/15/2024 All discovery shall be completed.

8/12/2024 All dispositive pretrial motions and memoranda of law, as well as any motions to exclude or limit proposed expert testimony must be filed. Any *Daubert* motion shall be accompanied by appropriate affidavits. If any party moves to strike an expert affidavit filed in support of a motion for summary judgment [for reasons stated in *Daubert v.*

*Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)], the motion to strike shall be filed with that party's responsive memorandum.

9/12/2024	Mediation shall be completed.
10/25/2024	All pretrial motions and memoranda of law must be filed.
11/1/2024	Parties must file Joint Pretrial Stipulation, as set forth herein.

**A motion for continuance of the trial shall not stay or otherwise change the deadlines above. Unless a true emergency situation arises, a motion for continuance will not be considered unless it is filed at least thirty days prior to the scheduled trial date.**

### **III. LOCAL RULES**

Unless otherwise directed by this Order, the Court requires compliance with the Local Rules. The filing of any motion, including motions for summary judgement, that are not in compliance with the Local Rules are subject to being stricken or denied. The procedures below supplement the Local Rules. This Order controls if the Local Rules conflict with any requirement herein or require different deadlines.

### **IV. DISCOVERY AND REFERRAL TO THE MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. Section 636 and this District's Magistrate Judge Rules, all discovery matters are hereby referred to United States Chief Magistrate Judge Edwin G. Torres. Furthermore, in accordance with 28 U.S.C. Section 636(c)(1), the parties may consent to trial and final disposition by the Magistrate Judge. The deadline to submit a consent is at the close of the discovery period.

The parties are to follow the Magistrate Judge's Discovery Procedures for any discovery dispute.

The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions without the need to file a written motion or stipulation. However, no extension that interferes with the deadlines set forth above may be entered into without seeking leave of Court.

### **V. MEDIATION**

Mediation is required in accordance with the Local Rules and the deadline set forth above. It is not necessary for the parties to file a motion requesting the Court to enter an order scheduling the mediation. Instead, the parties are required to file a Notice

of Mediation with the name of the mediator and the date of the mediation at least thirty days before the mediation. The parties shall notify the Court of the results of the mediation (e.g., settled, impasse, or adjourned to continue discussions) **within two days of the conclusion of the mediation.**

## **VI. FILING OF MOTIONS**

All filings must be in a 12-point font and double spaced. Single spacing is only permitted for footnotes.

The required conferral under Local Rule 7.1 must be by telephone or in person. An e-mail conferral will only be permitted if counsel provided at least twenty-four hours for a response before the filing of the motion.

## **VII. TRIAL PROCEDURES**

**Preparation of Pretrial Stipulation and Pretrial Conference:** Counsel and all *pro se* litigants must meet to confer on the preparation of a joint pretrial stipulation, which must be filed by the deadline set forth above. The stipulation shall conform to Local Rule 16.1(e) and include a joint, neutral summary of the claims and defenses in the case, not to exceed one short paragraph per litigant claim, to be read as an introduction for *voir dire* examination. The Court will not accept unilateral pretrial stipulations and will *sua sponte* strike any such submissions.

No pretrial conference shall be held in this action unless the Court determines that a pretrial conference is necessary. Should a pretrial conference be set, the compliance deadlines as set forth in the remainder of this Order shall remain unaltered.

**Jury Instructions:** The parties shall file a **joint set of proposed jury instructions** and a **joint proposed verdict form** by no later than **the Friday before Calendar Call**. In preparing proposed jury instructions, the parties shall utilize as a guide the Pattern Jury Instructions for Civil Cases approved by the United States Eleventh Circuit, including the Directions to Counsel contained therein. Instructions and questions proposed only by the plaintiff(s) to which the defendant(s) object shall be *italicized*. Instructions and questions proposed only by the defendant(s) to which the plaintiff(s) object shall be **boldfaced**. Each jury instruction shall be typed on a separate sheet and must be supported by citations of authority. Each disputed jury instruction shall also state the legal basis for the objection(s) with citations to authority. A Word version copy of the joint proposed jury instructions and verdict form or the proposed findings of fact and conclusions of law shall be e-mailed to [becerra@flsd.uscourts.gov](mailto:becerra@flsd.uscourts.gov) at the time of filing.

**Bench Trials:** Each party shall file proposed findings of fact and conclusions of law by no later than **the Friday before Calendar Call**. Proposed findings of fact shall

be supported by citations to the documentary evidence, if applicable. Conclusions of law shall be supported by citations of authority. Copies of each party's proposed findings of fact and conclusions of law in **Word format** shall be e-mailed to [becerra@flsd.uscourts.gov](mailto:becerra@flsd.uscourts.gov) at the time of filing.

**Exhibit Notebooks:** Counsel shall meet and prepare an Exhibit Notebook, consisting of two (2) divisions. The Plaintiffs' exhibits must be marked numerically with the letter "P" as a prefix; the Defendant's exhibits must be marked numerically with the letter "D" as a prefix. The Exhibit Notebook shall also include an exhibit index containing a brief description of each exhibit. The failure to include any particular exhibit in the Notebook, however, shall not preclude admission of any exhibit that was properly listed on the party's pretrial exhibit list.

At the Calendar Call, the parties shall submit to the Court the index of the exhibits in the Exhibit Notebook. The index must be prepared on Form AO 187, with objections to exhibits indicated. Counsel shall each have a copy of the Exhibit Notebook and shall provide a copy to the Court on the first day of trial. To the extent possible, the Court will rule on all objections at the Calendar Call.

**Instructions Regarding the Use of Depositions at Trial:** If deposition transcripts will be used at trial, the parties shall comply with the following guidelines. At least **twenty-eight (28) days** in advance of trial, Plaintiffs shall serve designations of any deposition transcripts they intend to use at trial. At least **twenty-one (21) days** in advance of trial, Defendant shall serve their counter-designations, together with any objections to Plaintiffs' designations. At least **fourteen (14) days** in advance of trial, Plaintiffs shall serve any rebuttal designations, together with any objections to Defendant's counter-designations. At least **seven (7) days** in advance of trial, Defendant shall serve any objections to Plaintiffs' rebuttal designations.

By the Calendar Call, the parties shall prepare and **jointly file** one transcript for each deposition to be used during trial. The parties shall edit the transcript, using a mini-transcript when available, to remove all irrelevant, extraneous and unnecessary pages. Each portion of the testimony designated shall be bracketed to indicate beginning and end. A notice of filing setting forth each party's designated testimony by line and page, and setting forth all objections, shall be filed with the transcript. In addition to listing objections in the notice of filing, the objections shall also be indicated in the margin of the transcript. The parties may either write their objections in the margins or use logical abbreviations that will be apparent to the Court and other parties (for example "H" for hearsay). If the parties use abbreviations, the notice of filing must include a key for the Court's reference. A courtesy copy of the notice and transcript shall be delivered to chambers at the time

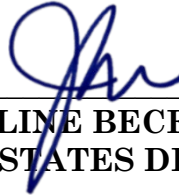
of filing. Each party shall mark the courtesy copy of the transcript with a different color ink or highlighter to identify its designated portions of the transcript.

**Voir Dire:** The Court will provide each prospective juror with a brief questionnaire prior to the commencement of questioning in the courtroom. Any party may submit up to five proposed, case-specific questions to be included in the questionnaire. The proposed questions must be filed with the Court at the time of the filing of the joint pretrial stipulation. The Court will begin voir dire by questioning the venire individually and as a whole and will permit, at its discretion, attorney-directed voir dire. The Court will not permit back striking of jurors.

**Trial Witnesses:** Counsel must provide to opposing counsel, no later than 5:00 p.m., the names of the witnesses who will be called the following day. If this procedure is violated, the Court may preclude a witness from testifying at the time counsel intended.

**NON-COMPLIANCE WITH ANY PROVISION OF THIS ORDER MAY SUBJECT THE OFFENDING PARTY TO SANCTIONS OR DISMISSAL.**

**DONE AND ORDERED** in Miami, Florida, this 2nd day of April, 2024.



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**JACQUELINE BECERRA**  
**UNITED STATES DISTRICT JUDGE**